

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 25, 1999

DIVISION ONE

B118291 Kelleher, Ph.D. (Not for Publication)

v.
20th Century Insurance Company

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Masterson, J.

B119471 People (Not for Publication)

v.
Chavez

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Masterson, J.

B122987 People (Not for Publication)

v.
Ellis

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Vogel (Miriam A.), J.

February 25, 1999-Continued

DIVISION ONE (Continued)

B117233 Banks (Not for Publication)

V.

Northrop Grumman Corporation

The judgment is affirmed. Northrop is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B124295 Williams (Not for Publication)

V.

Slater et al.

The judgment is reversed. Plaintiff to recover costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B118517 Kasnetsis (Not for Publication)

V.

Kasnetsis

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

DIVISION ONE (Continued)

B123934 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Margie D.

The orders are affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

B118446 People (Not for Publication)
 v.
 Carter
 In re Carter on Habeas Corpus

The appeal is dismissed. The petitions for a writ of mandate and a writ of habeas corpus are denied.

Spencer, P.J.

We concur: Ortega, J.
 Masterson, J.

B119164 Estates of Clyde E. Blosser et al. (Not for Publication)
B119254 v.
 Bank of America

The judgment in favor of the remaindermen is reversed insofar as it awards damages to them for any claim based upon a breach that occurred before May 3, 1990. In all other respects, the judgment is affirmed and the cause is remanded to the trial court with directions to recalculate damages on the surviving claims (those within the three years immediately preceding the date on which the petition was filed) and enter a new judgment reflecting the corrected calculations. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

DIVISION TWO

Court convened at 9:15 A.M.

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva, Deputy Clerk.

B113264 Margaret Moreno
 v.
 Roy Moreno

Merits:

Argued by Noel Obiora for appellant and by Andrea Weinberg for respondent. Cause submitted.

B120948 People
 v.
 Barrera

Merits:

Argued by Tracy Dressner for appellant and by Jennifer Leal, Deputy Attorney General for respondent. Cause submitted.

B124209 People
 v.
 Carothers

Merits:

Argued by Saiid Arjomand for appellant and by Steven Mercer, Deputy Attorney General for respondent. Cause submitted.

B119522 People
 v.
 Nolan

Merits:

Argued by Allen Wienberg for appellant and by Stephen Kaufman, Deputy Attorney General for respondent. Cause submitted.

DIVISION TWO (Continued)

B120399 Haak
 v.
 Tellez

Merits:

Argued by Vernon Laridsen for appellant and by Ira Freidman for respondent. Cause submitted.

B117055 Bergantino
 v.
 Fire Insurance Exchange
 (Home Savings, r.p.i.)

Merits:

Argued by Ari Kleiman and James Maniseaco for respondents. No appearance on behalf of Appellant. Cause submitted.

B116503 Egge
 v.
 Composite Structures
 (Alcoa Composites, r.p.i.)

Merits:

Argued by Elene Kapp for appellant and by Alberto Torrico and Vincent Davitt for respondents. Cause submitted.

Court recessed.

The Court reconvened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva, Deputy Clerk.

DIVISION TWO (Continued)

B120795 People
 v.
 Elize

Merits:

Argued by Walter Gordon for appellant and by Arthur Auerbach, Deputy Attorney General for respondent. Cause submitted.

B119951 People
 v.
 Shells

Merits:

Argued by Maxine Weksler for appellant and by Suzann Papagoda, Deputy Attorney General for respondent. Cause submitted.

B126900 Fink
 v.
 Superior Court, Los Angeles County
 (Westwood Village Development Co., r.p.i.)

Merits:

Argued by Lisa Bloom for petitioner and by Jeffrey Markel for real party in interest. Cause submitted.

B127867 Dolores S.
 v.
 Superior Court, L.A. County
 (Department of Children & Family Services, r.p.i.)

Merits:

Argued by John O'Kane for petitioner and by Jill Regal for real party in interest. Cause submitted.

DIVISION TWO (Continued)

B121904 Funderburk
 v.
 City of Los Angeles

Merits:

Argued by Darryl Funderburk in propria persona. No appearance on behalf of respondent. Cause submitted.

B122047 County of Los Angeles
 v.
 Dollie Marie H.

Merits:

Argued by Regina Nergenah for appellant and by Sterling Honea, Deputy County Counsel for respondent. Cause submitted.

B127448 Joseph Leo Benton
 v.
 Superior Court, Los Angeles County
 (Benton, Leigh Ann, r.p.i.)

Merits:

Argued by James Gilmartin for petitioner and by Robert Johnson for real party in interest. Cause submitted.

B127105 Computer Sciences Corp.
 v.
 Superior Court, Los Angeles County
 (Hargreaves, r.p.i.)

Merits:

Argued by Eric Emanuel for petitioner and by Michelle Reinglass for real party in interest. Cause submitted.

DIVISION TWO (Continued)

B112463 People
 v.
 Gharibian
 (Aghamal, r.p.i.)

Merits:

Argued by Alan Rubin and Mary Bernstein for appellants and by Allison Ting, Deputy Attorney General for respondent. Cause submitted.

B122187 County of Los Angeles
 v.
 Rodriguez

Merits:

Argued by Mark Baer for appellant and by Andrea Weinberg, Deputy County Counsel for respondent. Cause submitted.

Presiding Justice Boren leaves the bench.

B111128 Rabani
 v.
 Moritz

Merits:

Argued by Ahuva Rabani for appellants and by Richard Harker for respondent. Cause submitted.

Court adjourned.

DIVISION THREE

B109434 People (Not for Publication)
v.
Blair

The judgment (order granting probation) is modified as to count 2 to reflect conviction of a misdemeanor. As so modified, the judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Goodman, J. (Assigned)

DIVISION FOUR

[illegible]

The judgment is modified to reflect a \$200 parole revocation fine, and, as modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment to reflect such modification.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B121534 Winder (Not for Publication)
v.
Perry Johnson, Inc., et al.

The judgment is affirmed. All parties are to bear their own costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

February 25, 1999-Continued

DIVISION FOUR (Continued)

B111812 Urcinoli (Not for Publication)

V.

State Farm Mutual Automobile Insurance Company, et al.

The judgment is affirmed. Respondent Urcinoli shall recover costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B114882 Sentech Electronics, Inc., et al. (Not for Publication)

V.

Tillson

The judgment is reversed. Appellant Tillson is to recover costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B116376 A&M Diamond and Jewelry, Inc., et al. (Not for Publication)

V.

Certain Underwriters at Lloyd's of London

The judgment is reversed. Costs on appeal are awarded to plaintiffs.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

DIVISION FOUR (Continued)

B119818 Zano (Not for Publication)

v.
G&L Realty Partnership

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B120628 Wetzel (Not for Publication)

v.
Vons Companies, Inc.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B109298 Carlin (Not for Publication)

v.
Board of Trustees of California State University et al.

To the extent the trial court entered judgment in favor of the Board of Trustees of the California State University, the judgment is reversed and the trial court is directed to proceed in accord with the views expressed herein; to the extent the trial court entered judgment in favor of Christine Helwick, the judgment is affirmed. Appellant Nancy Carlin to recover costs on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

DIVISION FOUR (Continued)

B119283 City of Redondo Beach (Not for Publication)
 v.
 K.S.C.H., Inc.
 Kim

The order is affirmed. Respondent to have his costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

B113902 Sarac (Not for Publication)
 v.
 Long Beach Sports Medicine et al.

The judgment is reversed. Appellant is to have his costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

B123311 In Re Anthony Mikhail
 on Habeas Corpus (Certified for Publication)

The Director of the Department of Corrections is directed to restore an additional 45 days of petitioner's 360 forfeited credits, so that the total amount restored is 90 days.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

DIVISION FOUR (Continued)

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The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B118231 People (Not for Publication)
v.
Noriega

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B118099 People (Not for Publication)
v.
Miller, et al.

Each defendant's judgment is modified to include an additional restitution fine of \$10,000, which shall remain suspended unless and until defendant violates parole, pursuant to Penal Code section 1202.45. As so modified, the judgments are affirmed. The clerk of the superior court is directed to prepare and send to the Department of Corrections corrected abstracts of judgment reflecting the imposition of a \$10,000 restitution fine pursuant to penal Code section 1202.4, and an additional suspended \$10,000 restitution fine pursuant to Penal Code section 1202.45.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B121513 People (Not for Publication)
v.
Pagnetti

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B115365 People (Certified for Publication)
v.
Wilborn

The judgment is reversed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B124903 Linda B. (Not for Publication)
v.
The Superior Court of Los Angeles County
Los Angeles County, D.C.S.

The Petition for Extraordinary Writ is denied.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B118980 People (Not for Publication)
v.
Larnell Crosby

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B113317 O.C. Patteron et al. (Not for Publication)
v.
E.I. Dupont De Memours & Company, Inc., et al.

The judgment in favor of plaintiffs, Gloria McQueen, Reginald McQueen, Roderick McQueen, Madelyne McQueen, and Willie McQueen (the heirs of James McQueen), is reversed. The McQueen plaintiffs shall bear their own costs on appeal. On remand, the trial court shall set aside the judgment and declare a mistrial as to those plaintiffs and conduct a limited retrial as set forth in the body of this opinion. In all other respects, the judgment is affirmed. Plaintiffs, with the exception of the McQueen plaintiffs, are to recover their costs on appeal, jointly and severally, from defendants Exxon Corporation, Asland Chemical Company, Shell Oil Company, E.I. DuPont de Nemours & Company, Inc., and Unocal.

Turner, P.J.

I concur: Godoy Perez, J.
I dissent: Grignon, J.(Opinion)

B128782 Judy Pole
v.
Edwin James Pole II

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed January 6, 1999) dismissed.

February 25, 1999-Continued

DIVISION SIX

B118416 Baum (Not for Publication)
v.
J.C. Penney Co.

The judgment is affirmed. Costs to respondent.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B118126 People (Not for Publication)
v.
Smith

The abstract of judgment shall be modified to reflect one additional day in presentence credit (277 days in actual time versus 276 days), a \$1,000 restitution fine under section 1202.45 (to be stayed pending his successful completion of parole), and a \$50 laboratory fee. The judgment is otherwise affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Burke, J. (Assigned)

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The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Burke, J. (Assigned)

February 25, 1999-Continued

DIVISION SIX (Continued)

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The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B122098 San Luis Obispo County (Not for Publication)
 Department of Social Services
 v.
 Carol P.

The judgment is affirmed.

Burke, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Yegan, J.

B122439 Spurgeon (Not for Publication)
v.
Reed

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

DIVISION SEVEN

B122949 People (Not for Publication)
v.
Tatiana B., a minor

The orders under review are vacated, and the cause is remanded for further proceedings in conformity with the views expressed herein.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.